

Remarks

Claims 1-5, 7 and 24-25 are pending in the application.

This is an Amendment under 37 C.F.R. § 1.196(b)(1) in response to a Decision on Appeal (the "Decision"), mailed on August 26, 2003, setting forth a new ground of rejection for claims 1-5, 7 and 24-25 under 35 U.S.C. § 112, second paragraph, as set forth on pages 3-4 of the Decision.

By the above amendment, claims 1 and 24 have been amended to remove the recitation of "just below". Accordingly, claims 1-5, 7 and 24-25 are believed to satisfy the requirements of 35 U.S.C. § 112, second paragraph, and withdrawal of the rejection is respectfully requested.

Furthermore, Examiner's previous rejection of claims 1 and 24 pursuant to 35 U.S.C. § 112, first paragraph, based on the claim language "just below", appears to have been rendered moot by the above amendment. Accordingly, withdrawal of the rejection is respectfully requested.

Furthermore, with respect to the claim rejections under 35 U.S.C. § 103, Applicants respectfully contend that at the very minimum, claims 1 and 24 are patentable and non-obvious over the combination of Fukada, Lou, Wolf and Hamada. Indeed, other than through impermissible hindsight reasoning based on Applicant's disclosure, it is clear that the cited combination of references does not disclose or suggest *wherein said nitride liner is recessed such that an uppermost surface of said nitride liner is recessed to a first depth that is greater than a transistor channel depth, D_c, of a transistor that is disposed in a well beside said shallow trench isolation structure, the recessed nitride liner being dimensioned and configured to prevent hot carrier effects due to charge trapping for charge which traverses a channel of the transistor*, as essentially claimed in claims 1 and 24.

In fact, none of the cited references even remotely relate to methods for providing STI (shallow trench isolation) structures that are adapted to prevent or mitigate hot carrier effects due to charge trapping for charge which traverses a channel of transistor adjacent an STI structure, much less preventing or mitigating hot carrier effects by virtue of, e.g., the relative position between a transistor channel and a nitride liner of an STI structure (i.e., no-overlapping regions of a nitride liner and an adjacent transistor channel). Accordingly, withdrawal of the obviousness rejections is respectfully requested.

Respectfully submitted



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